

Order

Michigan Supreme Court
Lansing, Michigan

May 1, 2009

Marilyn Kelly,
Chief Justice

136114(78)(79)

Michael F. Cavanagh
Elizabeth A. Weaver
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman
Diane M. Hathaway,
Justices

KEITH GAYLE DAVIS,
Plaintiff-Appellee,

v

SC: 136114
COA: 270478
Ingham CC: 04-000064-CP

FOREST RIVER, INC.,
Defendant-Appellant,

and

KITSMILLER RV, INC.,
Defendant.

In this case, motions for reconsideration of this Court's December 19, 2008 order are considered, and, on order of the Court, they are GRANTED. We VACATE our order dated December 19, 2008. On reconsideration, the application for leave to appeal the February 21, 2008 judgment of the Court of Appeals is again considered, and it is GRANTED. The parties shall address: (1) whether the Uniform Commercial Code, MCL 440.1101 *et seq.*, applies to the purchase contract between the plaintiff and the dealer, Kitsmiller RV; (2) if the UCC applies, whether the UCC provides the plaintiff's exclusive remedy for revoking acceptance of the purchase contract, MCL 440.2608; (3) whether the UCC requires privity to revoke acceptance of the purchase contract; (4) whether third-party beneficiary status under the warranty confers on the plaintiff any rights independent of the warranty; (5) whether the economic loss doctrine and the UCC, MCL 440.1101 *et seq.*, apply to the plaintiff consumer's claims for breach of warranty; and (6) if the plaintiff's consumer complaints are not governed by the UCC, what is the nature and source of any non-UCC remedy.

Persons or groups interested in the determination of the issues presented in this case may move the Court for permission to file briefs amicus curiae.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

May 1, 2009

Corbin R. Davis

Clerk